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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR-08-0340 SBA
Plaintiff,) JOINT MOTION TO CONTINUE
v.) HEARING DATE TO SEPTEMBER 2,
TY WESLEY RYAN (a/k/a Ty Wesley) 2008 AND TO EXCLUDE TIME UNDER
Tyan, a/k/a Ty Ryan),) THE SPEEDY TRIAL ACT
Defendant.) Date: September 2, 2008
) Time: 9:00 a.m.
) Court: Hon. Saundra B. Armstrong

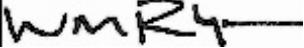
The above-captioned matter is currently set on July 8, 2008 before this Court for a status conference. The parties jointly move that this Court continue the hearing to September 2, 2008 at 9:00 a.m. and that the Court continue to exclude time under the Speedy Trial Act between the date of this motion and September 2, 2008.

On June 20, 2008, United States Magistrate Judge Nandor J. Vadas granted the United States' Motion for Writ of Habeas Corpus Ad Prosequendum as to the defendant and ordered the United States Marshal and the Sheriff for Alameda County to bring the defendant before this Court for the July 8, 2008 status conference. However, between June 20, 2008 and July 8, 2008, unbeknownst to the parties, the defendant was moved from the custody of Alameda County to the

JOINT MOTION AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO EXCLUDE TIME
No. CR-08-0340 SBA

1 custody of the California Department of Corrections and Rehabilitation ("CDCR") to begin
2 serving a state imposed sentence on a separate charge. Accordingly, the defendant's presence
3 could not be obtained with due diligence for the July 8, 2008 status conference. The parties will
4 now file an Amended Petition for Writ of Habeas Corpus Ad Prosequendum with the United
5 States Magistrate Judge directing the CDCR to produce the defendant at a later date, as directed
6 by this Court.

7 For this reason, the parties stipulate and request that the Court continue to exclude time
8 between the date of this Court's Order and September 2, 2008 under the Speedy Trial Act due to
9 the absence and unavailability of the defendant, pursuant to 18 U.S.C. § 3161(h)(3)(A).

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11 DATED: July 11, 2008
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15 WADE M. RHYNE
16 Assistant United States Attorney
17 Counsel for United States
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14 _____ /s/
15 NED SMOCK
16 Counsel for Ty Wesley Ryan
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JOINT MOTION AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO
EXCLUDE TIME
No. CR-08-0340 SBA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR-08-0340 SBA
Plaintiff,) [PROPOSED] ORDER GRANTING JOINT
v.) MOTION TO CONTINUE HEARING
TY WESLEY RYAN (a/k/a Ty Wesley) DATE TO SEPTEMBER 2, 2008 AND TO
Tyan, a/k/a Ty Ryan),) EXCLUDE TIME UNDER THE SPEEDY
Defendant.) TRIAL ACT
Date: September 2, 2008
Time: 9:00 a.m.
Court: Hon. Saundra B. Armstrong

The parties jointly requested that the hearing in this matter be continued from July 8, 2008 to September 2, 2008, and that time be excluded under the Speedy Trial Act between the date of their joint motion and September 2, 2008 to allow for the defendant's presence as set forth in the parties' stipulated request. The basis for the parties' joint motion is as follows.

On June 20, 2008, United States Magistrate Judge Nandor J. Vadas granted the United States' Motion for Writ of Habeas Corpus Ad Prosequendum as to the defendant and ordered the United States Marshal and the Sheriff for Alameda County to bring the defendant before this Court for the July 8, 2008 status conference. However, between June 20, 2008 and July 8, 2008, unbeknownst to the parties and the Court, the defendant was moved from the custody of Alameda County to the custody of the California Department of Corrections and Rehabilitation

1 ("CDCR") to begin serving a state imposed sentence on a separate charge. Accordingly, the
2 defendant's presence could not be obtained with due diligence for the July 8, 2008 status
3 conference. The parties will now file an Amended Petition for Writ of Habeas Corpus Ad
4 Prosequendum with the United States Magistrate Judge directing the CDCR to produce the
5 defendant at a later date, as directed by this Court. For these stated reasons and good cause
6 appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(3)(A),

7 **IT IS HEREBY ORDERED** that this matter is set for a status conference on September
8 2, 2008 at 9:00 a.m., and that time between July ___, 2008 and September 2, 2008 will be
9 excluded under the Speedy Trial Act to allow for the parties to obtain the presence of the
10 defendant with all due diligence.

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12 DATED: _____

13 HON. SAUNDRA BROWN ARMSTRONG
United States District Judge

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JOINT MOTION AND [PROPOSED] ORDER TO CONTINUE HEARING TO SEPTEMBER 2, 2008 AND TO
EXCLUDE TIME
No. CR-08-0340 SBA